

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1114

Short Title: Telecommunicator Cert. & Stds.

(Public)

Sponsors: Representative Wright.

Referred to: Judiciary II.

April 19, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH TELECOMMUNICATOR CERTIFICATION AND
3 TRAINING REQUIREMENTS AND TO FUND A PROGRAM OF TRAINING
4 FOR PUBLIC SAFETY TELECOMMUNICATORS.

5 The General Assembly of North Carolina enacts:

6 Section 1. A new Chapter is added to the General Statutes to read:

7 **"CHAPTER 166B.**

8 **"NORTH CAROLINA TELECOMMUNICATOR CERTIFICATION AND**
9 **TRAINING.**

10 **"§ 166B-1. Short title.**

11 This Chapter may be cited as the 'North Carolina Telecommunicator Certification
12 and Training Act of 1993'.

13 **"§ 166B-2. Findings and policy.**

14 The General Assembly finds that the provision of public safety services depends
15 upon effective communication between those requesting public safety service and
16 providers. The key to matching calls for help with effective service is the public safety
17 telecommunicator. The purpose of this Chapter is to assure all citizens of a minimum
18 level of competence and integrity of those who dispatch public safety personnel to calls
19 for help and assistance.

20 **"§ 166B-3. Definitions.**

21 As used in this Chapter, unless the context requires otherwise:

- 22 (1) 'Board' means the Telecommunicators' Standards and Training Board,
23 as established by this Chapter.

- 1 (2) 'Center' means a location where public telecommunication facilities are
2 located, housed, or otherwise concentrated for the purpose of
3 dispatching public safety personnel to calls for assistance.
4 (3) 'Commission' means the Utilities Commission.
5 (4) 'Department' means Department of Crime Control and Public Safety.
6 (5) 'PSAP' means public safety answering point.
7 (6) 'Secretary' means the Secretary of the Department of Crime Control
8 and Public Safety.
9 (7) 'Telecommunicator' means any person employed by a governmental
10 agency or an agency contracted thereby who receives, processes, or
11 transmits public safety information and dispatches law enforcement
12 officers, firefighters, or medical personnel to calls for assistance over a
13 base radio station on a public safety frequency regulated by the Federal
14 Communications Commission or by teletype or other communications
15 system, whether these persons are public safety personnel full-time
16 employees, part-time employees, or volunteers.

17 **"§ 166B-4. North Carolina Telecommunicator Certification and Training Fund**
18 **established.**

19 (a) There is established the North Carolina Telecommunicator Certification and
20 Training Fund in the Department of Crime Control and Public Safety. Any surplus in
21 the North Carolina Telecommunicator Certification and Training Fund shall not revert
22 to the General Fund. The North Carolina Telecommunicator Certification and Training
23 Fund shall be kept on deposit with the State Treasurer, as in the case of other State
24 funds, and may be invested by the State Treasurer in any lawful security for the
25 investment of State money. The income of other earnings from these investments shall
26 be paid to the North Carolina Telecommunicator Certification and Training Fund. The
27 North Carolina Telecommunicator Certification and Training Fund is subject to the
28 oversight of the State Auditor pursuant to Article 5A of Chapter 147 of the General
29 Statutes.

30 (b) In addition to monies deposited in the Fund pursuant to the provisions of G.S.
31 166B-12, the Secretary may accept into the Fund, for the purposes of this Chapter, any
32 and all donations, both real and personal, and grants of money from any governmental
33 unit or public agency, or from any institution, person, firm, or corporation. The
34 Secretary shall include in the annual report as required by G.S. 166B-7 a summary of
35 the donations, gifts, or grants, the identity of the donor, the nature of the transaction, and
36 the conditions, if any.

37 (c) The resources of the North Carolina Telecommunicator Certification and
38 Training Fund shall be applied and expended only for the support of activities relative to
39 the delivery of telecommunicator certification and training programs.

40 **"§ 166B-5. North Carolina Public Safety Telecommunicators' Certification and**
41 **Training Board established; members; terms; vacancies.**

42 (a) There is established the North Carolina Public Safety Telecommunicators'
43 Certification and Training Board, hereinafter called the 'Board', in the Department. The
44 Board shall be composed of 17 members as follows:

- 1 (1) Appointees of the Governor. – One public member who is a citizen not
2 associated with public safety.
- 3 (2) Appointees of the Lieutenant Governor. – One member of the North
4 Carolina Sheriffs' Association chosen from a list of names submitted
5 by the association, appointed pursuant to G.S. 120-121.
- 6 (3) Appointees of the Speaker of the House of Representatives. – One
7 member of the North Carolina Association of Chiefs of Police chosen
8 from a list of names submitted by that association, appointed pursuant
9 to G.S. 120-121.
- 10 (4) Appointees of at-large groups. – Individuals representing and
11 appointed by each of the following organizations: one member of the
12 North Carolina Emergency Management Association, one other
13 member of the North Carolina Emergency Medical Services
14 Association, one other member of the North Carolina Firemen's
15 Association, one other member of the North Carolina Fire Chiefs
16 Association, one other member of the League of Municipalities, one
17 other member of the North Carolina Association of County
18 Commissioners, two other members of the North Carolina Chapter of
19 the National Emergency Number Association, two other members
20 appointed by the North Carolina Chapter of the Associated Public
21 Safety Communications Officers, one other member of the North
22 Carolina Law Enforcement Officers Association, one other member of
23 the North State Law Enforcement Officers' Association, and one other
24 member of the North Carolina Police Executives Association.
- 25 (5) The Secretary shall serve ex officio and may designate a delegate to
26 the Board.
- 27 (b) Terms. The members shall be appointed for staggered terms. The initial
28 appointments shall be made prior to September 1, 1993, and the appointees shall hold
29 office until July 1 of the year in which their respective terms expire and until their
30 successors are appointed and qualified as provided in this section.
- 31 The public member appointed by the Governor, the member appointed by the North
32 Carolina Fire Chiefs Association, the member appointed by the League of
33 Municipalities, the member appointed by the North Carolina Association of County
34 Commissioners, and one member appointed by the North Carolina Chapter of the
35 National Emergency Number Association shall serve a term of three years. The
36 member appointed by the Emergency Medical Services Association, the member
37 appointed by the North State Law Enforcement Officers' Association, the member
38 appointed by the North Carolina Police Executives Association, and one member
39 appointed by the North Carolina Chapter of the Associated Public Safety
40 Communications Officers shall serve a term of two years. The member appointed by
41 the Emergency Management Association, the member appointed by the North Carolina
42 Firemen's Association, the member appointed by the North Carolina Law Enforcement
43 Officers Association, one member appointed by the North Carolina Chapter of the
44 Associated Public Safety Communications Officers, and one member appointed by the

1 North Carolina Chapter of the National Emergency Number Association shall serve a
2 term of one year. After the initial terms established herein have expired, with the
3 exception of members appointed pursuant to G.S. 120-121 and the Secretary, all
4 members appointed shall serve for terms of three years. Notwithstanding the
5 appointments for a term of years, each member shall serve at the will of the appointing
6 authority.

7 (c) Vacancies. If an individual ceases to hold the position required for
8 appointment then that individual's seat on the Board becomes vacated upon the
9 cessation of qualification to hold that seat. Otherwise, any individual appointed or
10 designated to serve on this Board shall serve until a successor is appointed by the officer
11 or agency making the original appointment and qualified unless that individual resigns
12 or is removed, in which case the officer or agency making that appointment shall
13 appoint a successor.

14 (d) Compensation. None of the members of the Board shall receive
15 compensation for serving on the Board. However, if funds are available, then members
16 of the Board who are State officers or employees may be reimbursed for their expenses
17 in accordance with G.S. 138-6; members of the Board who are full-time salaried public
18 officers or employees other than State officers or employees may be reimbursed for
19 their expenses in accordance with G.S. 138-5(b). All other members of the Board may
20 receive compensation and reimbursement for expenses in accordance with G.S. 138-
21 5(b).

22 (e) Officers. The Chairman shall be elected from among the membership.
23 Officers shall be elected at the first regular meeting after July 1 of each year. All
24 officers serve for one year or until successors are qualified.

25 (f) Removal. The Board, upon reasonable notice given, may remove a member
26 for misfeasance, malfeasance, nonfeasance, or neglect of duty.

27 (g) Required Meetings. The Board shall meet no less than four times a year. It
28 shall also meet on the call of the chairman or any four members of the Board.

29 **"§ 166B-6. Functions of the Department.**

30 (a) The Board, by adoption of rules pursuant to the provisions of Chapter 150B
31 of the General Statutes, shall provide for the administration of the Fund established by
32 this Chapter. In consultation with the Secretary, and by adoption of rules, the Board
33 shall:

- 34 (1) Establish reasonable and equitable procedures to disburse funds to
35 governments, centers, and/or Board-approved organizations;
- 36 (2) Promote the most efficient and economical program of
37 telecommunicator certification and training and the maximum use of
38 existing facilities, including the Department of Community Colleges
39 and the North Carolina Justice Academy for the purpose of avoiding
40 unnecessary duplication; and
- 41 (3) Establish a system of reimbursement designed to prevent budgetary
42 supplanting by the State and political subdivisions with respect to
43 telecommunicator certification and training programs.

1 (b) The Secretary shall provide staff necessary to administer the programs of the
2 Board. This staffing shall be provided through the resources of the Fund.

3 (c) The Secretary shall have legal custody of all books, papers, documents, or
4 other records and property of the Fund or the Board.

5 **"§ 166B-7. Authorized expenditures.**

6 (a) Upon the recommendation of the Board, the Secretary may make
7 disbursements from the Fund for the following purposes:

8 (1) To make reimbursements to local centers for employee travel and per
9 diem expenses, and other expenses incurred in the attendance at
10 Board-approved training programs not available locally or on a timely
11 basis.

12 (2) To allocate funds to centers for the purpose of reimbursing expenses
13 incurred in complying with the certification and training provisions of
14 the Board.

15 (3) To allocate funds for standards and training research and development
16 grants to include job analysis studies.

17 (4) To allocate funds for expenses associated with making available in
18 North Carolina, specialized or advanced professional training
19 programs for State and local telecommunicators who have complied
20 with the provisions of this Chapter.

21 (5) To allocate funds to the Department for the purpose of carrying out the
22 programs of the Board.

23 (b) Upon consultation with telecommunication officers and agencies throughout
24 the State, the Board shall develop an annual plan for disbursements from the Fund.

25 (c) No agency shall be entitled to receive any reimbursements under this Chapter
26 unless that agency adheres to the applicable selection, training, certification, and other
27 minimum standards programs of the Board.

28 **"§ 166B-8. Required standards.**

29 (a) The Board, in cooperation with public safety agencies, may:

30 (1) Establish minimum standards for the employment, appointment, and
31 training of telecommunicators, provided a public safety agency may
32 establish standards that exceed the minimum standards established by
33 the Board;

34 (2) Develop and conduct examination programs to certify the successful
35 completion of performance standards;

36 (3) Certify telecommunicators on a probationary or permanent basis;

37 (4) Establish a system of recertification of telecommunicators;

38 (5) Establish procedures for transfer of certification from equivalent
39 programs in other states;

40 (6) Establish a system of development and certification of instructors to
41 teach in Board-approved training for telecommunicators; and

42 (7) Accredit telecommunicator training schools and courses.

1 (b) Effective two years after the date of ratification of this Chapter,
2 telecommunicators with at least two years of dispatching experience at the same agency
3 in North Carolina are exempt from the initial certification requirements of the Board.

4 **"§ 166B-9. Annual report.**

5 The Secretary shall cause an annual report of the Fund to be presented to the General
6 Assembly on or before December 31 of each year for the preceding fiscal year. This
7 annual report shall contain a summary of all disbursements made from the Fund by
8 type, level of government, governmental unit, and any other matters that may be
9 included at the direction of the Board.

10 **"§ 166B-10. Immunity from liability.**

11 (a) A telecommunicator certified under the provisions of this Chapter, who in
12 good faith gives or fails to give oral information, instruction, or advice to a 911 caller or
13 responder, or other caller or responder, is not liable for civil damages as a result of
14 giving or failing to give the information, instruction, or advice, unless the act or
15 omission constitutes gross negligence, reckless misconduct, or willful misconduct.

16 (b) A PSAP, peace officer, firefighter, emergency medical responder, State
17 agency, local governmental unit or agency, supervisor, independent contractor, and any
18 other person or entity associated with or responsible for the act or omission of a
19 certified telecommunicator, occurring during the course of or arising from the
20 employment of the certified telecommunicator, are not liable for civil damages as a
21 result of information, instruction, or advice given, or not given, in good faith by a
22 telecommunicator certified under G.S. 62-158, unless the act or omission of the certified
23 telecommunicator constitutes gross negligence, reckless misconduct, or willful
24 misconduct.

25 **"§ 166B-11. Certification of costs.**

26 A local governmental unit having jurisdiction over a PSAP incurring reimbursable
27 costs under this Chapter for training telecommunicators, shall certify those costs to the
28 Board. The certification must be in a form prescribed by the Board. If the Board
29 approves the certified costs as appropriate and accurate, the Board shall pay the certified
30 costs from receipts from the North Carolina Telecommunicator Certification and
31 Training Fund within 90 days following receipt by the Board of the certified costs. If
32 funds are insufficient to pay certified costs, the Board shall estimate the additional
33 amount necessary to reimburse the local governmental units and the Governor shall
34 include the estimated amount in the biennial budget request.

35 **"§ 166B-12. Board finding.**

36 (a) Finding. – The General Assembly finds and declares that it is in the public
37 interest to promote professional public telecommunications services to all communities
38 and that a means of funding telecommunicator certification and training should be
39 established.

40 (b) Means. – Each domestic telephone company, as defined in Chapter 62 of the
41 General Statutes, shall assess each subscriber an amount each month which shall be
42 deposited to the North Carolina Telecommunicator Certification and Training Fund as
43 established by G.S. 166B-4 and in conformance with the requirements of G.S. 62-158."

1 Sec. 2. Article 7 of Chapter 62 of the General Statutes is amended by adding
2 a new section to read:

3 **"§ 62-158. Telecommunicator certification and training.**

4 (a) Finding. – The General Assembly finds and declares that it is in the public
5 interest to promote professional public telecommunications to all communities and that
6 a means of funding should be established.

7 (b) Authority to Require Surcharge. – The Commission shall require local
8 exchange companies and telephone membership corporations to impose a monthly
9 surcharge on all residential and business local exchange access facilities to fund a
10 statewide system of training and certification of public safety telecommunicators. For
11 the purpose of this section, 'exchange access facility' means the access from a particular
12 telephone subscriber's premises to the telephone system of a local exchange telephone
13 company. Exchange access facilities include exchange company-provided access lines,
14 private branch exchange trunks, and centrex network access registers, all as defined by
15 tariffs of telephone companies as approved by the Commission. This surcharge,
16 however, may not be imposed on participants in the Subscriber Line Charge Waiver
17 Program or the Link-Up Carolina Program established by the Commission. This
18 surcharge, and long distance revenues collected under subsection (f) of Section 157, are
19 not includable in gross receipts subject to the franchise tax levied under G.S. 105-120 or
20 the sales tax levied under G.S. 105-164.4.

21 (c) Initiating Petition. – Not later than September 1, 1993, the Department shall
22 initiate funding for telecommunicator certification and training by filing a petition with
23 the Commission requesting the surcharge and detailing initial projected required
24 funding. The Commission shall, after giving notice and an opportunity to be heard to
25 other interested parties, set the initial monthly surcharge based upon the amount of
26 funding necessary to implement and operate the system, including a reasonable margin
27 for a reserve. The surcharge shall be identified on customer bills as a special surcharge
28 for provision of a telecommunicator certification and training system. The Commission
29 may, upon petition of any interested party, and after giving notice and an opportunity to
30 be heard to other interested parties, revise the surcharge from time to time if the funding
31 requirements change. In no event shall the surcharge exceed five cents (5¢) per month.

32 (d) Funds to Be Deposited in Special Account. – The local exchange companies
33 and telephone membership corporations shall collect the surcharge from their customers
34 and deposit the monies collected with the State Treasurer, who shall deposit the funds to
35 the Public Safety Telecommunicator Certification and Training Fund, as established by
36 G.S. 166B-4. After consulting with the State Treasurer, the Commission shall direct
37 how and when the local exchange companies and telephone membership corporations
38 shall deposit these monies. Revenues from this fund shall be available only to the
39 Department to administer the telecommunicator certification and training system,
40 including establishment, operation, and promotion of the Board established by G.S.
41 166B-5 and its programs.

42 (e) Administration of System. – The Department shall administer the system and
43 the Board, including its establishment, operation, and promotion, according to the
44 provisions of G.S. 166B.

1 (f) Charge to Users. – The users of the system shall be charged their approved
2 long distance and local rates for telephone services, including the surcharge required by
3 this section, but no additional charges may be imposed for telecommunicator
4 certification and training. The local exchange companies and telephone membership
5 corporations shall collect revenues from the users of the relay system for long distance
6 services. These revenues shall be deposited in the special fund referenced in subsection
7 (d) of this section in a manner determined by the Commission after consulting with the
8 State Treasurer. Local exchange companies and telephone membership corporations
9 shall be compensated for collection, inquiry, and other administrative services provided
10 by these companies, subject to the approval of the Commission.

11 (g) Reporting Requirement. – The Commission shall, after consulting with the
12 Department, develop a format and filing schedule for a comprehensive financial and
13 operational report on the Board. The Department shall thereafter prepare and file these
14 reports as required by the Commission with the Commission and Joint Legislative
15 Utility Review Committee."

16 Sec. 3. G.S. 62A-8 reads as rewritten:

17 "**§ 62A-8. Payments from Fund.**

18 (a) Money from the Emergency Telephone System Fund shall be used only to
19 pay for:

20 (1) The lease, purchase, or maintenance of emergency telephone
21 equipment, including necessary computer hardware, software and
22 database provisioning, addressing, and nonrecurring costs of
23 establishing a 911 system, ~~and~~

24 (2) The rates associated with the service supplier's 911 service and other
25 service supplier recurring ~~charges.~~ charges, and

26 (3) Expenses associated with meeting the telecommunicator certification
27 and training requirements of G.S. 166B.

28 (b) The following expenses are not eligible for payment from the Fund: the lease
29 or purchase of real estate, cosmetic remodeling of emergency dispatch centers, ~~hiring,~~
30 ~~training,~~ and compensating dispatchers, and the purchase of mobile communications
31 vehicles, ambulances, fire engines, or other emergency vehicles.

32 (c) A local government may contract with a service supplier for any term
33 negotiated by the service supplier and the local government and may make payments
34 from the Emergency Telephone System Fund to provide any payments required by the
35 contract."

36 Sec. 4. G.S. 115D-5(b) reads as rewritten:

37 "(b) In order to make instruction as accessible as possible to all citizens, the
38 teaching of curricular courses and of noncurricular extension courses at convenient
39 locations away from institution campuses as well as on campuses is authorized and shall
40 be encouraged. A pro rata portion of the established regular tuition rate charged a full-
41 time student shall be charged a part-time student taking any curriculum course. In lieu
42 of any tuition charge, the State Board of Community Colleges shall establish a uniform
43 registration fee, or a schedule of uniform registration fees, to be charged students
44 enrolling in extension courses for which instruction is financed primarily from State

1 funds; provided, however, that the State Board of Community Colleges may provide by
2 general and uniform regulations for waiver of tuition and registration fees for persons
3 not enrolled in elementary or secondary schools taking courses leading to a high school
4 diploma or equivalent certificate, for training courses for volunteer firemen, local fire
5 department personnel, volunteer rescue and lifesaving department personnel, local
6 rescue and lifesaving department personnel, Radio Emergency Associated Citizens
7 Team (REACT) members when the REACT team is under contract to a county as an
8 emergency response agency, local law-enforcement officers, local public safety
9 telecommunicators certified under the provisions of G.S. 166B, patients in State
10 alcoholic rehabilitation centers, all full-time custodial employees of the Department of
11 Correction, employees of the Department's Division of Adult Probation and Parole and
12 employees of the Division of Youth Services of the Department of Human Resources
13 required to be certified pursuant to Chapter 17C of the General Statutes and the rules of
14 the Criminal Justice and Training Standards Commission, trainees enrolled in courses
15 conducted under the New and Expanding Industry Program, clients of sheltered
16 workshops, clients of adult developmental activity programs, students in Human
17 Resources Development Programs, juveniles of any age committed to the Division of
18 Youth Services of the Department of Human Resources by a court of competent
19 jurisdiction, prison inmates, and members of the North Carolina State Defense Militia as
20 defined in G.S. 127A-5 and as administered pursuant to Article 5 of Chapter 127A of
21 the General Statutes. Provided further, tuition shall be waived for senior citizens
22 attending institutions operating pursuant to this Chapter as set forth in Chapter 115B of
23 the General Statutes, Tuition Waiver for Senior Citizens. Provided further, tuition shall
24 also be waived for all courses taken by high school students at community colleges in
25 accordance with G.S. 115D-20(4) and this section."

26 Sec. 5. This act is effective upon ratification.